

**TOWNSHIP OF MAURICE RIVER
COUNTY OF CUMBERLAND**

ORDINANCE NO. 766

**AN ORDINANCE REGULATING SHORT-TERM RENTAL
PROPERTIES LOCATED WITHIN
THE TOWNSHIP OF MAURICE RIVER,
COUNTY OF CUMBERLAND
AND STATE OF NEW JERSEY**

WHEREAS, the Township Committee of the Township of Maurice River finds and declares that the short-term rental of limited residential dwelling units within the Township benefits the local community by affording owners of such units the ability to garner additional income from their real property in order to diminish the financial burden of carrying costs and maintenance expenses related to the property, as well as providing travelers with an alternative option for accommodations in the Township. Notwithstanding those benefits, the Township Committee also finds and declares that certain transitory uses of residential property tend to affect the residential character of the community and, if unregulated, can be injurious to the health, safety, and welfare of the community; and,

WHEREAS, the intended purposes of this section are to (a) balance the rights of the owners of residential dwelling units proposed for short-term rental use and the Township's business community affected by the allowance and existence of short-term rentals; (b) protect the public health, safety and general welfare of individuals and the community at large; (c) provide for an organized and reasonable process for the short-term rental of certain defined classifications of residential dwelling units in the municipality; (d) monitor and provide a reasonable means for mitigation of impacts created by such transitory uses of residential properties within the Township; (e) preserve and protect the long-term housing market stock in the Township; (f) implement rationally based and reasonably tailored regulations to protect the integrity of the Township's residential neighborhoods, and (g) ensure that the short-term rental property inventory in the Township satisfies basic property maintenance standards, in order to protect the safety of occupants and the citizens of the municipality; and,

WHEREAS, in accordance with New Jersey law, a municipality may make and enforce within its limits all ordinances and regulations not in conflict with general laws, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and it inhabits. The Township of Maurice River hereby adopts the within ordinance in accordance with said authority.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Maurice River that Chapter 11 (Building and Housing) of the Code of the Township of Maurice River be and is hereby amended as follows:

A. Definitions.

As used in this section, the following terms shall have meanings indicated below:

APPLICATION FEE

The fee charged by the Township for the initial application and renewal fee for the short-term rental license.

OWNER

An individual or entity holding title to a property proposed for short-term rental, by way of a legally recorded deed.

PROPERTY

A parcel of real proper located within the boundaries of the Township of Maurice River, New Jersey.

RESPONSIBLE PARTY

Both the short-term rental property owner and an individual designated by the owner to be called upon and to always be responsible during the period of a short-term rental and to answer for the maintenance of the property, or the conduct and acts of the occupants of the short-term rental property.

SHORT-TERM RENTAL (a “STR”)

The accessory use of a dwelling unit for occupancy by someone other than the unit's owner or permanent resident for a period of less than 90 consecutive days. The dwelling unit can be rented to short-term renters throughout the licensed period (one year).

SHORT-TERM RENTAL PROPERTY (a “STRP”)

A residential dwelling unit as defined in the Code of the municipality, that is used/or advertised for rent as a short-term rental by transient occupants as guests, as those terms are defined in this section.

TRANSIENT OCCUPANT

Any person or a guest or invitee of such person, who, in exchange for compensation, occupies or is in actual or apparent control or possession of residential property, which is either:

- (1) Registered as a short-term rental property;
- (2) Satisfies the definition of a short-term rental property, as such term is defined in this section.

B. Prohibition of Short-Term Rentals.

- 1. It shall be unlawful for any owner of any property within the geographic bounds of the Township of Maurice River to rent or operate a short-term rental contrary to the procedures and regulations established in this section or applicable state statute.
- 2. Short-term rentals shall be permitted to be conducted in the following classifications of property in the municipality:
 - (a) Condominium units, where the condominium association by-laws or master deed permit a short-term rental;
 - (b) Single-family residences;
 - (c) Multifamily residential dwelling;
- 3. Notwithstanding the provisions of Subsection B(2) above, short-term rentals shall not be permitted in boarding or rooming houses, dormitories, foster homes, adult family care homes, assisted living facilities, community residences for developmentally disabled persons, community shelters for victims of domestic violence, or nursing homes.
- 4. Rental of amenities. The separate lease or rental, for any purpose and for any period of time, of an amenity, feature or accessory that is appurtenant to or associated with any STRP is prohibited. “Amenity, feature or accessory” shall include, but is not limited to, swimming pools, pool cabanas, accessory structures, hot tubs, decks, patios and yards.

C. Short-term rental license, application and certificate of occupancy.

- 1. In addition to any land use requirement(s) set forth by the Township’s Land Use Ordinance, the owner/operator of a short-term rental property shall obtain a short-term rental license from the Township and register with the Township’s Construction Office before renting or advertising for rent any short-term rental.

2. The failure to obtain a valid STR license prior to operating or advertising the short-term rental property in any print, digital, or internet advertisement or web-based platform, and/or in the MLS or any realtor's property listing shall be a violation of this Chapter.

3. No STR license issued under this section may be transferred or assigned or used by any person or entity, other than the owner to whom it is issued, or at any property location or dwelling unit other than the property for which it is issued.

4. An owner of property intended to serve as a short-term rental property, as defined herein, or any agent acting on behalf of the owner, shall submit to the Township a short-term rental license application provided by the Township, along with an application and registration fee. Said fee shall be nonrefundable, including in the event that the application is denied.

5. The short-term rental license, if granted shall be valid for the year for which the applicant has applied, without proration.

6. A short-term rental license and any required rental certificate of occupancy shall be renewed on an annual basis, by submitting a renewal application to the Township Clerk's Office.

7. The short-term rental license shall expire automatically when the short-term rental property changes ownership, and a new application will be required in the event that the new owner intends to use the property as a short-term rental property. A new application shall also be required for any short-term rental that had its short-term rental license revoked or suspended. Fees charged to the owner shall not be prorated.

D. Application process for short-term rental license and inspections.

1. Applicants for a short-term rental license shall submit, on an annual basis, an application for a short-term rental license to the Township of Maurice River. The application shall be furnished, under oath, on a form specified by the Township, accompanied by the nonrefundable application fee in the amount of \$250.00 per STRP. Such application shall include:

- (a) The name, address, telephone number and email address of the owner(s) of record of the dwelling unit for which a license is sought.
- (b) If the owner is an LLC, corporation or partnership, the following information must be included: individual names of all members of the LLC, principals of corporation or partners in partnership; and
- (c) The address of the unit to be used as a short-term rental;
- (d) A copy of the driver's license or state identification card of the owner of the short-term rental property;
- (e) The designation of the short-term rental property responsible party. The designation shall include the responsible party's name, address, telephone number and email address. The responsible party shall be an adult individual and resident of New Jersey who shall be the point of contact and person responsible for the management of the STRP and its guests at all times while the STRP is occupied by guests. The responsible party may be the owner provided that the owner otherwise satisfies these conditions.
- (f) The owner's acknowledgement that he or she has received a copy of this Chapter, has reviewed it, understands its requirements and certifies, under oath as to the accuracy of all information provided in the license application.
- (g) A parking plan, which may be in the form of a sketch or diagram. No parking associated with the STRP shall be allowed on lawns, in yards, along roadways or upon neighboring properties.

- (h) An acknowledgement by the owner that he or she will exercise diligence to ensure that use of the STRP by all transient occupants will not disrupt the neighborhood, and will not interfere with the rights of the neighboring property owners to the quiet enjoyment of their properties.
- (i) Any other information that this Chapter requires a property owner to provide to the Township in connection with an application for rental certificate of occupancy. The construction official or his designee shall have the authority to obtain additional information from the STRP owner/applicant or amend the license application to require additional information, as necessary, to achieve the objectives of this chapter.
- (j) Every application for a short-term rental license shall require annual inspections for the STRP's compliance with the Townships fire safety regulations and property maintenance code. In addition, each application is subject to review to verify the STRP's eligibility for use as a short-term rental and compliance with the regulation in this section.
- (k) For a condominium short-term rental license application, a letter of approval by the condominium association must be submitted with application.
- (l) A sworn statement shall be required that there have been no prior revocations or suspensions of this or a similar license, in which event a license shall not be issued.
- (m) Attached to and concurrent with submission of the license application described in this section, the owner shall provide:
 - i. A current deed or other proof of the owner's current ownership of the short-term rental unit;
 - ii. Proof of general liability insurance in a minimum amount of \$500,000 including coverage specific to short-term rental activity; and
 - iii. Written and signed agreement from the responsible party that they agree to preform all of the applicable duties specified in this Chapter.

2. The owner of the short-term rental must maintain three years of records concerning rental occupancy, including the identity of all transient occupants who have occupied the property, which shall consist of names, ages, addresses and dates of occupancy, which shall be made available upon request of the Township.

E. Issuance of license and appeal procedure.

1. After an application is submitted, complete with all required information and documentation and fees, the Municipal Clerk's Office, following any necessary investigation for compliance with this section, shall either issue the short-term rental license, or issue a written denial of the license application (with the reasons for such denial being stated therein), with 10 business days.

2. If denied, the applicant shall have 10 business days to appeal in writing to the Township Committee.

3. Within 60 days thereafter, the Township Committee shall hear and decide the appeal.

F. Short-term rental operational requirements.

1. All short-term rentals must comply with all applicable rules, regulations and ordinances of the Township of Maurice River and all applicable rules, regulations and statutes of the State of New Jersey, including regulations governing such lodging uses as applicable. The STRP owner shall ensure that the short-term rental is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of a short-term rental.

2. The owner of a STRP shall not install any advertising or identifying mechanisms, such as signage, including lawn signage, identifying the property for rent as a short-term rental property.

3. Transient occupants of the STRP shall comply with all ordinances of the Township, including, but not limited to those ordinances regulating noise and nuisance conduct. Failure of transient occupants to comply shall subject the transient occupants, the owner of the STRP, the responsible party and the short-term rental agent listed in the short-term rental license application, to the issuance of fines and/or penalties, and the possibility of the revocation or suspension of STRP license.

4. The owner of a STRP shall post the following information in a prominent location within the short-term rental:

- (a) Owner name; if an entity, the name of a principal in the entity, and phone number for the owner (individual);
- (b) The names and phone numbers for the responsible party and the short-term rental agent (as those terms are defined in this section);
- (c) Instructions and/or a diagram as to parking area for vehicles;
- (d) The phone numbers for the New Jersey State Police and the applicable fire department.
- (e) Copy of the short-term rental license/license.
- (f) Trash and recycling pick-up day(s) and all applicable rules and regulations regarding trash disposal and recycling must be posted in a prominent location.

5. While a STRP is rented, the owner or the responsible party shall be available 24 hours per day, seven days per week for the purpose of responding within one hour of complaints regarding the condition of the STRP premises, maintenance of the STRP premises, operation of the STRP, or conduct of the guests at the STRP, or nuisance complaints from the authorities or neighbors, arising by virtue of the short-term rental of the property.

6. Failure to make application for, and to obtain the issuance of, a short-term rental license prior to advertising the rental in print publications or newspapers, on any internet-based booking platforms, or online and/or in the MLS or other real estate listing of a real estate agent licensed by the NJ Real Estate Commission, shall be equivalent to operation of the rental without a license, and shall constitute a violation of this Chapter, and will result in enforcement action and the issuance of a summons, and may subject the rental owner, the rental agent, and the responsible party to issuance of fines and/or penalties.

7. The person offering a dwelling unit for short-term rental use must be the owner of the dwelling unit. A tenant of the property may not apply for a short-term rental license, nor shall the property or any portion thereof be subleased by the tenant on a short-term basis or operated as a STRP by the tenant. This short-term rental regulation shall supersede any conflicting provision in a private lease agreement pertaining subleasing of property, or any portion of the property. Violation of this section will result in enforcement action against the tenant, the owner, the rental agent, and the responsible party, and will subject all such parties to the issuance of a summons and levying of fines and/or penalties.

8. The STRP owner must be current with all taxes assessed to the property prior to the issuance of a short-term rental license. In the event that any code violations have been issued by the Township relating to the STRP, a short-term rental license shall not be issued until such time as all violations are remedied.

G. Violations and Penalties; Enforcement.

1. Violation of the provisions of this Chapter by failure to comply with any of its requirements shall constitute a disorderly persons offense. Any person who violates this chapter

and/or fails to comply with any of its requirements shall upon conviction thereof be fined as follows:

- (a) One thousand dollars (\$1,000.00) dollars for a first violation, and in addition shall pay all costs and expenses involved in the case;
- (b) One thousand five hundred dollars (\$1,500.00) for a second violation; and in addition shall pay all costs and expenses involved in the case;
- (c) Two thousand dollars (\$2,000.00) for a third violation, and in addition shall pay all costs and expenses involved in the case.

2. Any STRP owner convicted of three (3) separate violations of this Chapter shall be permanently banned from operating a STRP in the Township of Maurice River.

3. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation of this Chapter.

H. Severability, Effective Date.

1. If any part or parts of this chapter are held to be invalid for any reason such decision shall not affect the validity of the remaining portions of this Chapter.

2. This Chapter shall take effect after final approval and publication as required by law.

ATTEST:

Denise L. Peterson, Municipal Clerk

Ken Whildin, MAYOR

Joseph Sterling, DEPUTY MAYOR

Ben Stowman, Committeeperson

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